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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,627	02/13/2004	Fabrizio Fabbri	FABBRI4	5356
1444 7590 05/10/2007 BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			EXAMINER BERTHEAUD, PETER JOHN	
			ART UNIT 3746	PAPER NUMBER
			MAIL DATE 05/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/777,627

Applicant(s)

FABBRI, FABRIZIO

Examiner

Peter J. Bertheaud

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendments of 2/21/2007. It is noted that claims 1, 5, and 6 have been amended. In making the below rejections and/or objections the examiner has considered and addressed each of the applicant's arguments.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In line 3 of the amended claim 1 a "seat for a plunger" is claimed; however, this "seat" is neither described in the specification nor referenced in the drawings

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being anticipated by Mulvey 3,849,302 in view of Elliott 4,618,316.

Mulvey discloses a high pressure reciprocating pump comprising at least two in-line cylinders (see Fig.1), wherein each has a seat for a plunger 22 and is connected via a conduit and to an intake manifold 47 and to a delivery manifold 48, said cylinders being provided within a single block formed as a unit together (see 29 in Fig. 2) with said seats and said conduits, characterized in that the intake manifold 47 is positioned in front of the line of cylinders and is in direct communication with the cylinders via a conduit connected to a dead compartment (see area directly above valve cap 58) provided as an extension of the respective cylinder and in which the intake valve is located, retained in position by a deformable element 56. Mulvey also discloses that the intake manifold has its axis coplanar with the cylinder axis (see axis of cylinder 30 in Fig. 2). Mulvey also discloses that the compartment containing the intake valve 52, 58 is cylindrical and coaxial with the respective cylinder (see Fig. 2). However, Mulvey does not teach the following claimed limitations taught by Elliot

Elliott teaches a reciprocating pump assembly including a plunger 16, an inlet manifold 22, a delivery manifold 26, and cylinders 50, 32 and valves 36, 52 for both. Elliot further teaches that the cylinder 30 could be provided within a single block 20 together with said conduits and said manifolds (see Fig. 1) and that cylinder 30 would communicate with the compartment containing the delivery valve via two parallel conduits (see 58, Fig. 3, and col.4, lines 32-36). Elliott teaches that these aspects of the invention would be advantageous because only one closure member 76 is needed to

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secure and tighten the valve assemblies, and because the separator of the two parallel conduits provides a seat 58 for the valve 52.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the fluid flow control device of Mulvey by providing the in-line cylinders together with said conduits and said manifolds within a single block and by having two parallel conduits communicate with the delivery valve, as taught by Elliott, in order to decrease the amount of closure members needed to seal the pump (see col.4, lines 52-60) as well as provide the delivery valve with a valve seat 58.

6. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mulvey 3,849,302 in view of Elliott 4,618,316, and in further view of Hagler 3,306,214.

Mulvey in view of Elliott disclose the invention as discussed above. However, Mulvey in view of Elliott do not disclose that the deformable means are the actual valve seat sealing gaskets or that the deformable means is an elastic plate.

Hagler teaches a pressure control apparatus including a plunger 17 contained within a cylinder, an inlet check valve 24, and a deformable means 19. Hagler further teaches that the deformable element is the valve seat sealing gasket (see col. 1, lines 63-68) and that the deformable element is an elastic plate. Hagler teaches that these aspects of the invention would be advantageous because they make the pump capable of delivering a liquid under rapidly and widely varying pressure and flow.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the pump assembly of Mulvey and Elliott by making the deformable

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means a sealing gasket or an elastic plate, as taught by Hagler, in order to deliver a liquid under rapidly and widely varying pressure and flow (see col.1, lines 14-22).

Response to Arguments

7. Applicant's arguments filed 2/21/2007 have been fully considered but they are not persuasive.

8. In response to Applicant's argument that Elliot provides only a small part of the cylinder: claim 1 simply states, "said cylinders being provided within a single block" , therefore, as claimed, this limitation is disclosed by Elliot regardless of the size of the cylinder.

9. In response to Applicant's argument that Elliot includes essential elements absent in the claimed unit of the invention: the claims do not state any negative limitations against the "extra" elements shown in the prior art.

10. Applicant's remaining arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J. Bertheaud whose telephone number is (571) 272-3476. The examiner can normally be reached on M-F 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571) 272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


PJB 4/30/07


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